

Questions and Answers on Reporting Occupational Illnesses

The **Federal Mine Safety and Health Act of 1977** requires employers in the mining industry to report occupational injuries and illnesses to the Mine Safety and Health Administration (MSHA). MSHA has prepared these **questions and answers** to help address any confusion that may exist about reporting occupational illnesses. The questions and answers are not intended to cover every aspect of MSHA reporting requirements or to modify existing laws, regulations, or policies.

MSHA accident, injury, and illness reporting and recordkeeping regulations are found in **Part 50, Title 30, Code of Federal Regulations (CFR)**. Title 30 is available from the U.S. Government Printing Office or on MSHA's home page on the World Wide Web at <http://www.msha.gov>.

MSHA's Program Policy Manual, Volume III, contains reporting information and is available on MSHA's home page at the above address, or from the National Mine Health and Safety Academy, at (304) 256-3257.

An **Informational Report on 30 CFR Part 50**, a guide for employers in reporting mine accidents, injuries, and illnesses, is available from MSHA's Office of Injury and Employment Information (OIEI) at (303) 231-5449.

Workers' compensation programs and other agencies may have different reporting requirements. When in doubt about MSHA reporting requirements for accidents, injuries, or illnesses, please contact your MSHA district office, or OIEI at the above telephone number.

Q. Why is MSHA offering this "grace period?"

A. MSHA believes there may be some confusion in the mining industry about the Part 50 reporting requirements which has resulted in under-reporting of occupational illness. The grace period will give mine operators and independent contractors an opportunity to report any cases to MSHA that were not reported previously, as required.

Q. What am I supposed to do during the grace period?

A. During the grace period, you should review your occupational illness files dating back to January 1, 1993. You should ensure that an MSHA Form 7000-1 was submitted to MSHA (the Office of Injury and Employment Information in Denver, Colorado, formerly the Health and Safety Analysis Center) whenever you received a notification or otherwise learned that a miner had been awarded compensation for or had been diagnosed with an occupational illness. If you discover that an occupational illness was not reported previously to MSHA, you should complete a 7000-1 Form for that case, write "Grace Period Filing" at the top of the Form, and submit it to MSHA by December 31, 1997.

Q. Which illnesses must be reported to MSHA?

A. A report must be filed for any illness or disease of a miner which may have resulted from work at a mine or for

which an award of compensation was made. The following questions will help determine if the illness of a miner is reportable:

1. Did a physician diagnose the illness as partly or completely occupational?
2. Was the illness found compensable under workers' compensation?
3. Was the illness a heart attack that occurred on mine property?
4. Did the individual have a history of exposure to lung-disease-causing dusts, plus a chest x-ray rated at 1/0 or above under the International Labor Office classification system (unless the operator is actively seeking a more definitive second opinion in a timely manner and has supporting documentation)?

If the answer to any of these questions is yes, the illness is reportable to MSHA.

Q. Our company took x-rays in 1990 and failed to report all results 1/0 and above to MSHA. Do we have to report those cases now?

A. We strongly encourage you to report these cases to MSHA. However, during this grace period we are requiring only that you report all cases since January 1, 1993.

Q. Actually, our company took x-rays in 1990 and identified 5 miners in dusty jobs who had x-ray readings of 1/0 or above. These cases were never reported to MSHA. But when we screened our employees again in 1996, we found that all 5 still had x-ray readings of 1/0 or above. Do we have to report these cases to MSHA now?

A. Yes, you must report these cases to the Agency at this time, since you have medical reconfirmation of the reportable occupational illness cases dating after January 1, 1993, and you did not previously report them, as required.

Q. Why do we report compensated illness cases and ones that may have been caused by exposure to the work environment?

A. Reporting occupationally-related illnesses to MSHA, as required by 30 CFR Part 50, provides MSHA with information about the nature and extent of occupational illness in the mining industry. This information alerts MSHA to potential problems, expedites corrective action to reduce or eliminate hazards, and allows the Agency to determine the adequacy of current health hazard controls, to tailor its educational efforts, and to provide effective technical assistance to mine operators.

Mine operators and contractors who do not report are subject to citations and civil penalties. The amount of the civil penalty depends on several factors, including the degree of negligence in failing to report.

Q. A current employee who has worked at several mining companies now claims to have acquired a condition such as noise-induced hearing loss or carpal tunnel syndrome. Why is it my responsibility to report the illness when the employee may have contracted the condition elsewhere?

A. For occupational illnesses caused by extended exposure or repeated trauma, it is the employee's most recent company of employment which dictates responsibility for reporting illnesses.

Q. One of our employees has been diagnosed with a lung disease that is at least 10% occupational. What is the level at which it becomes reportable to MSHA?

A. MSHA sets no minimum level; if a condition has been determined to be even the least part occupational, the case must be reported.

Q. What form is used for reporting occupational illnesses?

A. Use MSHA Form 7000-1, the same as for injuries. For "date of accident," indicate the date of diagnosis or the date an award of compensation was made, whichever is earlier. If both of these dates are unknown, record the date you learned of the illness. "Time of accident" may be left blank. Forms are available from any MSHA district office, from the National Mine Health and Safety Academy at (304) 256-3340, or may be obtained on MSHA's home page on the World Wide Web at <http://www.msha.gov>.

Q. What are the most common mistakes in filling out Form 7000-1?

A. Not completing all the applicable blanks, or filling in blanks that are not applicable to the particular injury or illness is the most common mistake in filling out the form. Section B applies **only** to accidents that must be reported immediately to MSHA. Section C.9. (narrative) should be as specific as possible.

For illnesses, operators and contractors should be sure to describe the conditions contributing to or causing the illness; name the object or substance that directly affected the miner, such as the vapor, dust, or poison inhaled or swallowed; list the chemical that irritated the skin; or the equipment associated with repetitive trauma. If a miner's employment was terminated or if a miner was permanently transferred to another regular job as a result of the illness, check Box 28. All of this information is required under 30 CFR Part 50 and must be reported in the appropriate places in blocks 9, 10, 20, 24, and 28 on the Form 7000-1. All other required information must be reported in the appropriate places on Form 7000-1.

Report forms with significant information missing are not acceptable and may be returned to the mine operator for completion.

Q. When must the occupational illness report be filed?

A. Within 10 working days of the employer's learning of the diagnosis or award of compensation. If the illness results in lost work days or days of alternate duty and the first copy of Form 7000-1 does not contain a completed Section D--Return to Duty Information, a second copy of the form must be filed within 5 working days of the miner's return to work or a final disposition is made regarding the miner.

Q. Where is the MSHA Form 7000-1 to be filed?

A. Each form includes an original and three copies. The original is sent to MSHA, Office of Injury and Employment Information (OIEI), P. O. Box 25367, Denver, CO 80225. The first copy is sent to the MSHA district office responsible for inspecting the mine. The return-to-duty update copy, if needed, is sent to OIEI. The last copy is kept at the mine office.

Q: Who is responsible for reporting occupational illnesses?

A. If the person experiencing the illness is employed by an independent contractor required to have an MSHA ID number, the independent contractor is responsible for filing the report. The mine operator is responsible for reporting all other occupational illnesses. Mine operators and independent contractors should coordinate their reporting responsibilities.

Q. Are there any recent changes in MSHA injury and illness reporting procedures?

A. The branch of MSHA that collects, analyzes, and publishes accident data -- formerly the Health and Safety Analysis Center (HSAC) -- is now the Office of Injury and Employment Information (OIEI).

The initial copy of Form 7000-1 and the return-to-duty copy may now be sent to OIEI by facsimile toll-free at 1 (888) 231-5515. See MSHA Program Policy Letter P96-III-2 or contact OIEI for more information.